IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 16.06.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Writ Appeal No.319 of 2003

1. The District Collector,
   Coimbatore.

2.The Special Tahsildar,
   (Adi Draviear Welfare),
   Pollachi, Pollachi Taluk. ... Appellants/Respondents

Vs.

A.V.Elli Chettiar ... Respondent/Petitioner

Writ appeal filed under Clause 15 of the Letters Patent against the order dated 07.11.2002 made in W.P.No.6347 of 1996.

Writ petition filed under Article 226 of the Constitution of India Praying to issue a writ of certiorari calling for the records of the first respondent relating to the Notification in ROC.No.32294/96 (N-6) dated 18.3.1996, Published in Para 3 of the Coimbatore District, Guzette, Extraordinary No.14, dated 22.3.1996 and to quash the same.

For Appellants : Mr.M.Dhandapani,
Addl. Government Pleader

For Respondents : Mr.Vijayaraghavan

JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

Aggrieved by the order of the learned single Judge dated 07.11.2002 made in W.P.No.6347 of 1996, The District Collector, Coimbatore and the Special Tahsildar, (Adi Draviear Welfare), Pollachi, have preferred the above writ appeal.

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2. The respondent herein, aggrieved by the notice issued under Section 4(1) of the Tamil Nadu Acquisition of land for Adi-Dravidar Welfare Schemes Act, 1978(hereinafter referred to as "the Act"), has approached this Court by way of W.P.No.6347 of 1996. The second respondent therein, Special Tahsildar, (Adi Draviear Welfare), Pollachi, has filed counter affidavit highlighting their stand.

3. The learned single Judge, after noting the contents in 4(1) notification and after finding that it is not known as to whether the acquisition is for Adi Dravidars of Vettaikaranpudur or Odayankulam villages or both or any others and after holding that the same shows non application of mind by the District Collector, Coimbatore, quashed the same and allowed the writ petition.

4. In the light of the reasoning of the learned single judge, we verified the notice issued under Section 4(1) of the Act, which is available at page 1 of the typed set of papers. The learned Additional Government Pleader appearing for the appellants pointed out that the first three lines mentioned in that notice amply show the purpose for which the lands were sought to be acquired. Though the details of the lands were specifically stated in the schedule, while describing the purpose, the first respondent has not specified for whose purpose the lands were sought to be acquired. In a matter like this, particularly, in view of the limited provisions in the Tamil Nadu Land Acquisition Act, the notice/notification/proceeding must satisfy the public purpose with reference to a particular person or persons or villagers etc. This defect was rightly pointed out by the learned single Judge and concluded that the said defect in the notification under Section 4 (1) of the Act vitiates the acquisition proceedings. In the light of the lacuna in 4(1) notification, we agree with the conclusion arrived at by the learned single Judge. The learned single Judge has allowed the writ petition and quashed the acquisition proceedings, has not granted permission to the District Collector, Coimbatore and the Special Tahsildar, (Adi Draviear Welfare), Pollachi, Pollachi Taluk to proceed afresh after complying with the provisions of the Act. Accordingly, we confirm the order of the learned single Judge. However, It is made clear that if the appellants so desire, they are free to proceed afresh after following the provisions of the Act.

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5. With the above observation, the writ appeal is dismissed. No costs.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The District Collector,
   Coimbatore.

2.The Special Tahsildar,
   (Adi Draviear Welfare),
   Pollachi, Pollachi Taluk.

+ 1 cc to Mr.A.S. Vijayaraghavan, Advocate SR No.25177/06

+ 1 cc to Government Pleader SR No.25140/06

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SR/20.6.2006 W.A.No.319 of 2003

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